

M/s.Jai Niketan Associates } Petitioner
versus
State of Maharashtra and Ors. } Respondents

Mr.Ashwin Sakolkar with Ms.Rupali
Adhate for the Municipal Corporation.

DATED :- JUNE 3, 2019

1. If the petitioner has an obstacle in the form of a condition to be fulfilled and that condition is imposed by the Municipal Corporation, the remedy of the petitioner is to challenge that condition or sue the co-operative housing societies from whom, the Municipal Corporation insists, that the petitioner should obtain a no-objection certificate. In other words, the condition imposed on the petitioner that he should obtain a no-objection

certificate from three co-operative housing societies can only be questioned by filing a civil suit. The civil suit should be filed in a competent civil court and with proper declarations and prayers. In the event such a suit is filed, it shall be decided on its own merits and in accordance with law uninfluenced by our disinclination to entertain this writ petition.

2. Given the factual dispute involved and which cannot be resolved in our writ jurisdiction, the writ petition is dismissed subject to above.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)